

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	
)	CHAPTER 11
)	
BJL EXPRESS, LLC,)	CASE NO. 23-54963-SMS
)	
DEBTOR.)	
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MARY IDA TOWNSON,)	
UNITED STATES TRUSTEE,)	
)	
MOVANT,)	
)	CONTESTED MATTER
v.)	
)	
BJL EXPRESS, LLC,)	
)	
RESPONDENT.)	
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BRIEF BY INTERPOOL, INC., D/B/A TRAC
INTERMODAL IN SUPPORT OF UNITED STATES TRUSTEE'S
EMERGENCY MOTION TO DISMISS OR CONVERT CASE

COMES NOW Interpool, Inc., d/b/a Trac Intermodal, and files its Brief in Support of the United States Trustee's Emergency Motion to Dismiss or Convert Case and shows the Court as follows:

1. On January 5, 2024, the United States Trustee filed her Motion to Dismiss or Convert Case (Dkt. No. 42).

2. Interpool, Inc., d/b/a TRAC Intermodal (“Interpool”) is a judgment creditor of Debtor and filed its Proof of Claim in this case on June 8, 2023 (Claim No. 1-1).

3. Interpool supports the United States Trustee’s Motion insofar as it requests dismissal of this bankruptcy, rather than a conversion of same.

4. Dismissal of this case is the appropriate remedy for the following reasons:

- (a) Debtor has failed to make a full and honest disclosure of its income and assets in this case;
- (b) Debtor misrepresented its 2021 gross revenue on its Statement of Financial Affairs (Dkt. 1 at p. 25 of 39);
- (c) Debtor misrepresented its 2022 gross revenue on its Statement of Financial Affairs (Id.);
- (d) During the time period January 1, 2021, to date, Debtor has commingled its gross revenue and bank accounts with those of its sister entity, ABJ Logistics and Brokerage Services, LLC (“ABJ Logistics”), even as this bankruptcy

case has proceeded;

- (e) Debtor has directed its customers to make payments for Debtor's invoices into the personal bank account of its owner, Nenneh Nyang, while this case has proceeded. See ¶ 8 below and Dkt. 39, Debtor's Monthly Operating Report for July 2023, filed on October 16, 2023, at page 7 of 33 under "Owner Investments"; and
- (f) Despite Debtor's attorney's agreement to produce the documents, Debtor has failed to produce the monthly bank statements of Nenneh Nyang and ABJ Logistics, thus continuing Debtor's dishonesty as this case has pended.

5. Debtor's Statement of Financial Affairs filed in this case on May 29, 2023 (Dkt. 1 at p. 25 of 39) claims it had gross revenue of \$240,000.00 in calendar year 2021 and gross revenue of \$260,000.00 in calendar year 2022. These numbers are false. Debtor actually had gross revenue of \$1,385,405.56 during 2021 and \$1,465,880.69 during 2022. See Interpool's Exhibit 1 hereto, true copy of Exhibit 1 from 2004 Examination of Debtor on December 1, 2023. Said Exhibit is a summary of Debtor's deposits of its revenues, as reflected on its monthly bank statements. See also Exhibit No. 2 hereto, pages 28-35 of Debtor's 2004 Examination.

6. According to Debtor's testimony at the 2004 Examination, during 2021 and 2022 Debtor commingled ABJ Logistics' revenues and bank accounts with Debtor's revenues and bank accounts. See Interpool's Exhibit 3 hereto, pages 50-90 of Debtor's 2004 Examination.

7. In August 2023 during this bankruptcy, Debtor filed its 2021 and 2022 federal income tax returns. In those tax returns, Debtor reported the same annual income—\$1,385,400 for 2021 and \$1,465,874 for 2022—that are listed on Exhibit 1 to this Motion, which are 6-7 times greater than the \$240,000 and \$260,000, respectively, sworn to by debtor on its Statement of Financial Affairs in this case. See Exhibit 3 hereto, at pages 72-79 of 2004 Examination.

8. As testified by Debtor at the 2004 Examination, during this case Debtor's customers have paid Debtor's invoices by making payments into the personal bank account of Debtor's owner, Nenneh Nyang. See Exhibit 3 hereto, at pages 79-90 of 2004 Examination. This is further evidence of Debtor's dishonesty.

9. Despite Interpool's attorney's requests and Debtor's attorney's agreement to produce the documents, Debtor has failed to produce the monthly bank statements for ABJ Logistics and Nenneh Nyang.

10. A debtor in bankruptcy has a duty to provide complete and honest disclosure, and this duty exists in all types of bankruptcies. Robinson v. Tyson Foods,

Inc., 595 F.3d 1269, 1274 (11th Cir. 2010); In re JK Harris & Co., LLC, 475 B.R. 470 (Bankr. Ct., D. South Carolina 2012); In re Matus, 303 B.R. 660, 670 (Bankr. Ct., N.D. Ga. 2004).

11. Debtor is not entitled to bankruptcy relief under either Chapter 11 or Chapter 7. Debtor falsified its 2021-22 gross revenue in its Statement of Financial Affairs for strategic reasons. In any event, Debtor's Statement of Financial Affairs is false, and Debtor has commingled its revenues and bank accounts with those of its individual principal and its sister company during January 1, 2021, to date. By this dishonesty, Debtor has disqualified itself from bankruptcy.

WHEREFORE, Interpool, Inc., d/b/a TRAC Intermodal hereby joins in the United States Trustee's Motion to Dismiss or Convert and respectfully requests that the Court dismiss this bankruptcy case with prejudice.

This 8th day of January, 2024.

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By: /s/ William K. Carmichael
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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2024, I electronically filed this Brief by Interpool, Inc. d/b/a TRAC Intermodal in Support of United States Trustee's Emergency Motion to Dismiss or Convert Case with the Clerk of Court using the CM/EFC system which will automatically send email notification of such filing to the following attorneys of record. I further certify that I have this day served the following parties via email and/or U.S. Mail, costs prepaid, at the addresses listed below. Addresses and methods of service are shown below:

BJL Express, LLC - Debtor
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This 8th day of January, 2024.

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EXHIBIT 1

BJL Deposits 2021

January: \$49,335.10
February: 68,079.17
March: 103,461.80
April: 137,222.16
May: 136,670.57
June: 101,169.03
July: 131,291.05
August: 127,805.93
Sept: 135,114.37
Oct: 160,213.81
Nov: 113,451.93
Dec: 121,590.64
Total: \$1,385,405.56
(WFB 7797)
Monthly Average 2021:
\$115,450.46

BJL Deposits 2022

January: \$127,577.82
Feb: 118,395.95
March: 157,692.65
April: 102,103.33
May: 170,752.66
June: 152,687.24
July: 118,261.40
August: 122,533.03
Sept: 169,225.50
Oct: 129,131.45
Nov: 85,945.69
Dec: 11,573.97
Total: \$1,465,880.69
(WFB 7797)
Monthly Average 2022:
\$122,156.72

Judgment Entry

Clayton Judgment, \$90,782.52
Date: 11/16/22

Gwinnett Judgment, \$106,237.28
Date: 2/22/23

BJL Deposits 2023

January: \$43,992.00 (BA 9030)
January: 2,285.00 (WFB 7797)
Feb: 31,976.16 (BA 9030)
Feb: 2,180.56 (WFB 7797)
Mar: 2,075.85 (WFB 7797)
April: 13,960.00 (BA 9030)
April: 22,910.00 (Truist 8928)
April: 2,776.35 (WFB 7797)
May: 27,305.00 (Truist 8928)
May: 2,075.00 (WFB 7797)
June: 23,913.73 (WFB 3123)
July: 73,245.00 (WFB 3123)
Aug: 72,279.20 (WFB 3123)
Total: \$320,973.85
Monthly Average 2023:
\$40,121.73

EXHIBIT 2

1 Movant, I guess. What am I? I'm a credit -- I'm
2 a claimant of -- movant's fine. Movant --
3 because we did move for the depo -- for the 2004.
4 So -- all right. So, this will be Plaintiff's
5 Number One or Movant One. I'll be messing that
6 up.

7 (Whereupon, Movant's Exhibit Number One was
8 marked for identification.)

9 MR. CARMICHAEL: Mr. Jallow, I have a copy
10 for you too, sir.

11 BY MR. CARMICHAEL:

12 Q And let me just tell you, if I may, what
13 this is, Ms. Nyang, I just took the deposits, the BJL
14 deposits for each month on these documents and put
15 them on Movant's Exhibit Number One.

16 A Uh-huh.

17 Q So, for example, the deposits of revenues I
18 assume for BJL in January 2021 were \$49,335.10. And
19 then in December 2021, BJL's deposits totaled
20 \$121,590.64.

21 A Okay.

22 Q And then I totaled them up for the year
23 2021. And then just to the right of that are the
24 deposits for 2022, where I simply looked at the bank
25 records that you-all gave me and put down the exact

1 amount of the deposits each month for 2022.

2 A Okay.

3 Q And the total for that was \$1,465,880.69
4 that is for 2022. And then I did the same thing on
5 this Movant's Exhibit One for the BJI deposits for
6 2023. I simply took the bank records that you
7 produced for me and took the deposit amounts for each
8 month and put them on to this document. And I'm glad
9 for you to look at these and verify that my numbers
10 are correct.

11 Do you wish to look at any of these bank
12 records or does my summary there, Movant's
13 Exhibit One, look accurate to you?

14 MR. CARMICHAEL: I was waiting for her to
15 answer, then I'll get to you.

16 THE WITNESS: Okay.

17 I see -- ya. I think it's accurate.
18 I'm not -- I'm not certain. It is numbers I just
19 summarized. So, I didn't look at the whole
20 paperwork to be sure that as of January, this is
21 what it is, or as of February, this is what it
22 is.

23 BY MR. CARMICHAEL:

24 Q Okay.

25 Well, do you wish to do that now or can we

1 proceed on the basis that that is an accurate
2 summary?

3 A Let's go ahead.

4 Q All right.

5 MR. CARMICHAEL: Yes, sir? Mr. Jallow, you
6 want to say something?

7 WITNESS JALLOW: She's not the accountant.
8 She will know nothing about these numbers. These
9 numbers here, you should either ask me or we ask
10 accountant. She don't know nothing about these
11 numbers.

12 MR. CARMICHAEL: Okay.

13 Well, she's here today as --

14 WITNESS JALLOW: She doesn't know.

15 MR. CARMICHAEL: She's doesn't know? Well,
16 she's the witness. Excuse me. Excuse me.
17 Ms. Nyang has already said the figures appear
18 accurate to her and I've got --

19 WITNESS JALLOW: She doesn't know.

20 MR. CARMICHAEL: Okay.

21 I'm not -- look, okay, this is what I
22 kind of thought might happen. Let me just ask
23 Ms. Nyang questions and we'll leave you for
24 deposition afterwards, okay?

25 WITNESS JALLOW: (Inaudible.)

1 MR. CARMICHAEL: Hold on a minute now. Hold
2 on a minute, Mr. Jallow. Please. This is
3 Ms. Nyang's deposition.

4 WITNESS JALLOW: Okay.

5 MR. CARMICHAEL: Okay.

6 BY MR. CARMICHAEL:

7 Q I've got the 2021, 2022, and 2023 bank
8 records right here, a whole copy of them. And here,
9 let me just give you -- here's 2023, '21. Let's go
10 just ahead and mark them.

11 So, 2021 bank records produced will be
12 Movant's Exhibit Two. Then the 2022 bank records
13 will be Movant's Exhibit Three.

14 (Whereupon, Movant's Exhibit Numbers Two and
15 Three were marked for identification.)

16 MR. CARMICHAEL: And then 2023 will be
17 Movant's Exhibit Four.

18 (Whereupon, Movant's Exhibit Number Four was
19 marked for identification.)

20 MR. CARMICHAEL: And Milton, here are copies
21 for you.

22 MR. JONES: Okay.

23 And these are the same ones we produced,
24 correct?

25 MR. CARMICHAEL: Yes, sir. Duplicates.

1 MR. JONES: All right.

2 MR. CARMICHAEL: They've got your track
3 number on them.

4 MR. JONES: No problem.

5 Now, folks, is that -- what this is, is
6 that counsel has -- counsel asked for us to
7 produce the bank records for the certain years.
8 We produced those. They say that these are
9 copies of what we produced to them.

10 If you'd like to, you can certainly take
11 the time to look at each one, but I think it's
12 probably pretty much, you know, in order; but, my
13 brother, take a look at that and then we'll come
14 back to it. If you find out later it's not
15 correct, I'm sure, you know, we'll make the
16 adjustment. All right?

17 THE WITNESS: Okay.

18 MR. JONES: Okay.

19 Counsel --

20 MR. CARMICHAEL: Thank you.

21 BY MR. CARMICHAEL:

22 Q And any time, Ms. Nyang, you want to, I put
23 Plaintiff's -- I'm sorry -- Movant's Exhibits Two,
24 Three, and Four in front of you. Those are, as
25 Mr. Jones just said, the bank records that were given

1 to us, to my law firm, by Mr. Jones in this
2 bankruptcy proceeding.

3 The 2021 bank records are Movant's
4 Exhibit Two. The 2022 bank records are Movant's
5 Exhibit Three. And the 2023 bank records are
6 Movant's Exhibit Four.

7 MR. JONES: Now, if you like to, you can
8 certainly go through all those, if you'd like.
9 You know, nobody's rushing you right now. It's a
10 nice day, but it looks like the same pages I sent
11 to them that you-all gave me.

12 Mr. Jallow, if I may, Mr. Jallow, you
13 see those records; who sent me those records?

14 WITNESS JALLOW: Us. We did. We did.

15 MR. JONES: You all did?

16 WITNESS JALLOW: We did.

17 MR. JONES: So you-all sent me the records.
18 Do you recognize those as what you-all sent me,
19 they look like them?

20 WITNESS JALLOW: They look like them. Yes.
21 They look like them.

22 MR. JONES: In that case, let's keep moving.

23 BY MR. CARMICHAEL:

24 Q All right.

25 If you would look at Movant's Exhibit One,

1 that's the chart.

2 A Uh-huh.

3 Q Now, the deposits that are indicated on here
4 from the bank records, these deposits are from
5 customer revenues paid to BJL Express; am I correct?

6 A Yes.

7 Q And so, the customer revenues during
8 June 2022, for example, were \$152,687.24; is that
9 right?

10 A Yes.

11 Q Was that yes?

12 WITNESS JALLOW: We want to know how much --
13 let's see.

14 THE WITNESS: That's what I see here. I'm
15 saying yes to what I see.

16 MR. JONES: Hold on. Hold on. Hold on.

17 WITNESS JALLOW: Don't say what you see.
18 Just look at these numbers.

19 MR. CARMICHAEL: Okay. Excuse me,
20 Mr. Jallow. Now, you can't be instructing her.
21 I object to his instructing her during the
22 deposition.

23 MR. JONES: Understood.

24 Mr. Jallow, write me a note, okay?

25 Write me a note as to what you want to have said

1 and see if we can take it and put it in hand; but
2 unfortunately -- I know you have a lot to say and
3 we're going to let you say everything that you
4 have to say. We just have to do it in a little
5 bit more orderly fashion.

6 WITNESS JALLOW: Okay.

7 MR. JONES: All right?

8 WITNESS JALLOW: Ya.

9 MR. JONES: Makes sense to me.

10 Counsel.

11 MR. CARMICHAEL: Yes, sir.

12 MR. JONES: Your witness.

13 MR. CARMICHAEL: Yes, sir.

14 BY MR. CARMICHAEL:

15 Q If you just look at Movant's Exhibit Three,
16 that's the bank statements for 2022, Ms. Nyang, and
17 do you see those numbers on the bottom right that say
18 TRAC, hyphen, then it has a number afterwards?

19 A Where exactly?

20 Q Do you see where it says at the bottom
21 right, TRAC, T-R-A-C?

22 A Yes.

23 Q And then it has a number out to the right?

24 A Uh-huh.

25 MR. JONES: Do you see them? Okay. On the

EXHIBIT 3

1 Q And where is he located?

2 A I don't know.

3 Q Are you still intending to proceed in this
4 bankruptcy?

5 A I'm not 100 percent certain.

6 Q Do you -- you know that you filed a proposed
7 plan of arrangement?

8 A Uh-huh.

9 Q Do -- you know that, right?

10 A Yes, sir.

11 Q That was on August 26th of this year; is
12 that right?

13 A Yes.

14 Q And do you still intend to seek confirmation
15 of that plan?

16 A Yes.

17 (Whereupon, Movant's Exhibit Number Five was
18 marked for identification.)

19 BY MR. CARMICHAEL:

20 Q Ms. Nyang, this will be Movant's Exhibit --

21 MR. CARMICHAEL: Where are we, Number Five?

22 THE COURT REPORTER: Five.

23 MR. CARMICHAEL: Here you go, Milton, that's
24 for you.

25 MR. JONES: Okay.

1 BY MR. CARMICHAEL:

2 Q If you want to look at this, Ms. Nyang, this
3 is a copy of the Statement of Financial Affairs that
4 BJL Express, LLC filed in this case on May 29, 2023
5 with the petition, and you swore to it on the last
6 page; am I right?

7 A Yes.

8 Q And if you'll see the gross revenue on the
9 first page of Exhibit Five for 2022, you indicated it
10 was \$260,000; is that right?

11 A (No response.)

12 Q Does that sound about right?

13 MR. JONES: (Indicating.)

14 THE WITNESS: Yes. Uh-huh.

15 BY MR. CARMICHAEL:

16 Q And these are the revenues from BJL's
17 customers; is that right?

18 A Yes.

19 Q Why is \$260,000 -- why did you report only
20 \$260,000 for the whole year of 2022 when the actual
21 bank deposits, as reflected on your bank records,
22 show \$1,465,880.69?

23 A That's because I did the numbers with my
24 accountant. Like I said, I'm not -- I need to do
25 this with my accountant.

1 Q You need to do what with your accountant?

2 A The numbers.

3 Q Now, I directly asked you about this some
4 months ago and you said you were going to do that,
5 ask your accountant.

6 A Right.

7 Q Have you done so?

8 A This -- he's still looking at it. He's
9 still going through with it.

10 Q Well, what is your answer to my question?

11 A I have to -- I have to let my accountant do
12 the numbers.

13 Q Well, Ms. Nyang, your accountant -- are you
14 talking about Mr. Taylor?

15 A Yes.

16 Q Okay.

17 When did you hire Mr. Taylor?

18 A When did we get Mr. Taylor, sir?

19 MR. JONES: Oh, you didn't get Mr. Taylor
20 till after the case was filed.

21 Before the case was filed, I think you
22 had Bobbie East, is that the name of the person
23 who was doing the accounting?

24 WITNESS JALLOW: The accountant.

25 MR. JONES: Who was the accountant?

1 WITNESS JALLOW: We don't have accountant --

2 MR. JONES: Who did your taxes?

3 WITNESS JALLOW: Mr. Prince (sic).

4 MR. JONES: Mr. Prince?

5 THE WITNESS: Yes.

6 WITNESS JALLOW: He's the one that did our
7 taxes.

8 MR. JONES: Okay.

9 So, were you talking about trying to see
10 Mr. Taylor or Mr. Prince, regarding this question
11 as to why there -- let me just break it down for
12 you all. Okay. See if I can just cut to the
13 chase.

14 Folks, when you all came in to see me, I
15 asked you about how much money gross did you-all
16 make all last year. It looked like the figure
17 you gave me was \$260,000. All right? We looked
18 at the -- at the deposits coming in for the
19 entire year from 2022 for BJL. They came out to
20 be about 1.4 mill (sic). The difference being
21 well over a million dollars.

22 Counsel really is asking you what's up
23 with that. How could you have something that
24 says \$1.4 million came in, but then you said, it
25 really was only \$260,000. That's what we're

1 really trying to get to today, if we can just cut
2 to the chase.

3 MR. CARMICHAEL: Well, first, before you
4 answer, Mr. Jallow, I want Ms. Nyang to answer
5 that.

6 THE WITNESS: I mean, I don't know. I'll
7 let him do the answering.

8 BY MR. CARMICHAEL:

9 Q Okay.

10 Well, my question to you is a parody of what
11 Mr. Jones, your lawyer, just asked you; what happened
12 to the 1.2 million?

13 A I don't know.

14 Q Well, why did you put \$260,000 on your
15 Statement of Financial Affairs when the truth was
16 1.465 million?

17 A I don't know.

18 Q But you swore to the 262,000, didn't you?

19 A That's what it shows.

20 Q I'm sorry. I can't hear you.

21 A I mean, that's what it shows. I don't know.

22 Q Did you have a document before you that said
23 260,000 when you swore 260,000?

24 A (No response.)

25 Q When you came to Mr. Jones, did you have

1 documents that reflected what the deposits were in
2 2022?

3 A We didn't have documents. We were just
4 going through numbers.

5 Q Where did you come up with the 260,000 that
6 you put down here?

7 A We were just -- we're talking numbers. We
8 did this plus this plus that and that's what I came
9 up with.

10 Q Based on what?

11 A Based on just adding, like right now, not
12 looking at the bank statements.

13 Q So you came up with the 260,000 that you put
14 on the Statement of Financial Affairs without looking
15 at the bank statements?

16 A Yes.

17 Q Did you look at any documents to come up
18 with the 260,000?

19 A No.

20 Q Wouldn't it be in your best -- in your best
21 interest to estimate lower, lower money, in 2022
22 because that would mean you would only have to make
23 lower money and pay lower money to creditors in a
24 plan of arrangement?

25 A I don't know.

1 Q Did that cross your mind?

2 A No.

3 Q Well, you realize that in a Chapter 11,
4 subchapter like we're in, that the debtor's plan is
5 based on its income, right, you know that? It's
6 disposable income; you know that, right?

7 A Yes.

8 Q So that if the income is lower, that would
9 mean you would have to pay creditors less; am I
10 right?

11 A Yes.

12 Q Is that the motive that you had when you
13 came up with this number of \$260,000?

14 A No. Because I didn't look at -- like I
15 said, I didn't look at statements, I didn't look at
16 number -- the bank statements to know this numbers.

17 Q Did you look at any documents to come up
18 with this 260,000?

19 A No. I didn't look at any number.

20 Q Did Mr. Jallow tell you to put 260,000?

21 A No.

22 Q So you came up with the \$260,000 of your own
23 accord; is that right?

24 A Yes.

25 Q And did you also come up with the 240,000 of

1 your own accord that you put down on this same
2 document for 2021 annual revenues?

3 A Ya.

4 Q And if you look back at the chart, which is
5 Movant's Exhibit One, you'll see that that amount of
6 240,000 is one point one -- it's over a million
7 dollars lower than the actual deposits in 2021; am I
8 correct?

9 A Uh-huh. Yes. Uh-huh.

10 WITNESS JALLOW: (Inaudible.)

11 BY MR. CARMICHAEL:

12 Q So --

13 MR. CARMICHAEL: Please don't interrupt,
14 Mr. Jallow. Okay.

15 BY MR. CARMICHAEL:

16 Q So, Ms. Nyang, let me just get this
17 straight. So, it's 1.1 million off, erroneous for
18 2021, and your Statement of Financial Affairs is
19 \$1.2 million off for 2022; is that right?

20 A Like I said, these numbers, I didn't look at
21 statements when I was doing these numbers. So --

22 Q So you came up with both these numbers, the
23 \$240,000 and the \$260,000, just based on what was in
24 your brain --

25 A Yes.

1 Q -- at the moment?

2 A Yes.

3 Q You didn't look at any document?

4 A I didn't look at the documents.

5 Q All right.

6 And do you know what happened to the
7 \$2.3 million difference? Is that on here somewhere
8 on your Statement of Financial Affairs, the
9 difference between the two?

10 A It's a business. So, they have transaction
11 happen. You pay bills. You pay employees. It's not
12 like this is just sitting down for -- for it to be in
13 the account. It has to be used. So the trucking
14 maintenance, the employees getting paid, the bills
15 getting paid. So, the numbers keep going, it keeps
16 going down.

17 Q And this has been on file since May 29.
18 Have you made any effort to correct these numbers
19 that you filed with the court on May 29?

20 A Did we file taxes?

21 Q I'm sorry. Speak up, because she can't get
22 that down, Ms. Nyang.

23 MR. JONES: You want to know, did we file
24 any amendments?

25 THE WITNESS: Right.

1 MR. JONES: It seems like we did file an
2 amended -- or at least as part of the plan; but
3 Mr. -- what I have to say is that I have the same
4 question and I've asked the same question and I'm
5 not quite sure we got an answer on it yet.

6 I think that we may want to start off
7 with asking Ms. Nyang as to what happened to that
8 money.

9 It sounds like Mr. Jallow has some
10 information as to what happened to that money.
11 And if we can put them both together, we might
12 get a very unsatisfactory answer, but I think
13 we'll get an answer.

14 MR. CARMICHAEL: All right.

15 So you want me to let him supplement
16 right now? Okay. I will do that.

17 BY MR. CARMICHAEL:

18 Q So you've exhausted, I've asked you and
19 you've answered all you can give me about where these
20 two numbers came from, this 260,000 -- 260,000 and
21 240,000; is that right?

22 A Yes.

23 Q Okay.

24 And -- and did you have an accountant, an
25 outside accountant to help you with respect to the

1 2021 numbers or the 2022 numbers? Mr. Princewill
2 didn't help you come up with these numbers in May --

3 A No.

4 Q -- of 2023?

5 A No.

6 Q And Mr. Taylor is somebody you hired during
7 the case?

8 A Yes.

9 Q So that's the two accountants, you had
10 Mr. Princewill before the bankruptcy; is that right?

11 A Yes.

12 Q And now Mr. Taylor after the bankruptcy?

13 A Yes.

14 Q But neither one of them had anything to do
15 with these numbers on this Statement of Financial
16 Affairs; am I right?

17 A Yes.

18 Q Okay.

19 MR. CARMICHAEL: And Mr. Jallow, can you
20 explain why we have a \$1,200,000 discrepancy
21 between 2022 on the financial affairs statement
22 and the actual truth and a \$1.1 million
23 discrepancy between 2021 revenue numbers and the
24 bank deposits or the truth, why that difference?

25 WITNESS JALLOW: Can you explain? Say it

1 one more time? Say that one more time?

2 MR. CARMICHAEL: Okay.

3 On Movant's Exhibit Five, which is the
4 Statement of Financial Affairs, do you have it
5 there?

6 WITNESS JALLOW: Yes.

7 MR. CARMICHAEL: Are two numbers on that
8 first page, it says gross revenue, 2022, 260,000.
9 And then 2021 it says 240,000; but on the chart,
10 which is Movant's Exhibit One, it was actually --
11 the revenues actually totaled 1,465,000 for 2022
12 and 1,385,000 for 2021; why the discrepancy?

13 WITNESS JALLOW: Okay.

14 Because on bank account, look on the
15 money for BJL was going in there.

16 MR. CARMICHAEL: Say what?

17 WITNESS JALLOW: On the bank account, this
18 bank account right here you're looking at, the
19 BJL Express bank account, that was -- we -- we
20 small business. Some time we -- the money come
21 from the other side of the business, it goes to
22 the other company -- the other BJL Express. So,
23 the money you see for BJL Express is not only the
24 money for BJL Express. The income you see
25 coming, maybe coming from our other business. We

1 have a good in keeping our accounts very well.
2 And we can go back and fix that, but all the
3 money you see on BJL Express, it's not BJL
4 Express's money. It's coming -- probably coming
5 from the shipping side of the business.

6 MR. CARMICHAEL: From the what?

7 WITNESS JALLOW: The shipping --

8 MR. CARMICHAEL: Shipping side of the
9 business?

10 WITNESS JALLOW: That's ABJ Logistics.

11 MR. CARMICHAEL: Okay.

12 So you're combining the income of ABJ
13 Logistics and Brokerage Services, LLC into the
14 income of BJL Express, LLC?

15 WITNESS JALLOW: Sometimes my accountant --
16 when the accountant, like a buyer, is supposed to
17 pay us, we only had that one account, they
18 deposit the money there sometimes.

19 MR. CARMICHAEL: Who are they?

20 WITNESS JALLOW: Our customers.

21 It could be any -- any customer that try
22 to -- starts for our money or sell us money, we
23 given the -- we have a BJL account, they put the
24 money there. So the money you see for this
25 whole, it's not only BJL Express account's money.

1 MR. JONES: May I, Counsel?

2 MR. CARMICHAEL: Yes.

3 MR. JONES: Mr. Jallow, what you told us now
4 is very helpful. If I can explore this, maybe we
5 can finish up that idea as to what happened and
6 then move on; but I've got to know, they got to
7 know, the Court's got to know.

8 WITNESS JALLOW: Correct.

9 MR. JONES: It sounds like what you're
10 saying to us is, is that these BJI Express
11 deposits for '21 and '22, not '23, but '21 and
12 '22, is that a certain amount came in that was
13 money made for by BJI, right?

14 WITNESS JALLOW: Uh-huh.

15 MR. JONES: Then it appears to be that there
16 was another amount or several different amounts
17 that were made by someone other than BJI.

18 WITNESS JALLOW: Correct.

19 MR. JONES: But --

20 WITNESS JALLOW: The money was --

21 MR. JONES: So that's what made the
22 difference. BJI may have made \$10,000 in a
23 month, but then AB (sic) may have come in with
24 something else, but you took the money that came
25 from the other entity and threw it into BJI?

1 WITNESS JALLOW: Correct.

2 Because we had the loss, so we had to
3 keep the business alive, so we're taking money
4 from --

5 MR. JONES: This is way before the lawsuit?

6 WITNESS JALLOW: Yes.

7 We taking money from somewhere just to
8 keep us running.

9 MR. JONES: Now, my question is -- and I'm
10 sure that counsel wants to know too, like
11 everybody in here wants to know, and that is, is
12 there any place wherein your accounting shows
13 what money came in that was actually supposed to
14 go to BJL and what money came in from the other
15 entities?

16 WITNESS JALLOW: The account was so that --
17 because some deposits would be like from -- from
18 the -- if we look at the bank statement, we can
19 tell this is for BJL or this is not for BJL.

20 MR. JONES: You can look at those statements
21 and tell?

22 WITNESS JALLOW: Ya. We can look at it.

23 MR. JONES: You can look --

24 WITNESS JALLOW: Yes.

25 MR. JONES: Why would you be looking at

1 those statements and tell?

2 WITNESS JALLOW: I can tell.

3 MR. JONES: All right.

4 I'll tell you what, is that what I'm
5 going to do is this, and I won't do this for
6 everyone, but I want to kind of get an idea, take
7 a look from 2021, January 2021, the first one --

8 WITNESS JALLOW: Yes.

9 MR. JONES: Alrighty.

10 Now, if you could, can you tell, by
11 looking at that, what money actually belonged to
12 BJL and what money came from another entity, can
13 you tell that by looking at it?

14 WITNESS JALLOW: For instance, on January,
15 number 04, January 4th, money transfer from
16 Teneng Jawneh, that's -- an amount of 495, that
17 is not a BJL client, that's an ABJ client.

18 MR. JONES: Okay.

19 That person, what did -- what did
20 they -- you said -- what's the name again?

21 WITNESS JALLOW: Teneng Jawneh. Look at --

22 MR. JONES: Okay.

23 Now, what was that for, was that for
24 import?

25 WITNESS JALLOW: Shipping.

1 MR. JONES: Shipping?

2 WITNESS JALLOW: Ya. It was shipping.

3 MR. JONES: Okay.

4 What else do you see on there?

5 WITNESS JALLOW: And the one after that,
6 money transfer authorized from Matarr Kanteh, one
7 ninety-eight. That's also money from the
8 shipping side ABJ, not from BJJ.

9 Because the way I know most of the time
10 is BJJ has few clients and we know those clients.
11 They are -- normally from business. And this
12 shipping side is individuals.

13 MR. JONES: Okay.

14 WITNESS JALLOW: You see the individual
15 names, is how they come. So, us, in a small
16 business, the way we have it, we could -- we
17 couldn't --

18 MR. JONES: So, if I could just interrupt
19 for one second.

20 So, given a couple of hours, you could
21 go back through each one of those and show which
22 ones weren't BJJ and came from shipping?

23 WITNESS JALLOW: Yes. I can do -- I can
24 look at it --

25 MR. JONES: You know Counsel's going to ask

1 you.

2 WITNESS JALLOW: Yes.

3 MR. JONES: Counsel's going to say, why in
4 the heck did you-all wait so long to let us know
5 this? We've been dealing with this since June.

6 WITNESS JALLOW: Yes.

7 MR. JONES: And I think that I asked and I
8 think they've asked and I think the trustee
9 asked, why wouldn't you tell us all this before
10 today?

11 WITNESS JALLOW: I mean, when going through
12 the details, we -- we can -- we have to go
13 through each account and -- to know it exactly.

14 MR. JONES: I understand; but I'm just
15 saying, is there any explanation that I can give
16 them as to -- because they've been asking.

17 WITNESS JALLOW: Yes.

18 MR. JONES: And I've been asking too and the
19 trustee asked.

20 WITNESS JALLOW: Yes.

21 MR. JONES: It seemed like -- it seemed
22 almost simple, you took money that came from
23 another entity, stuck it under BJL --

24 WITNESS JALLOW: Yes.

25 MR. JONES: -- didn't make the proper

1 accounting for it, but that's why it looks like
2 BJL is inflated.

3 WITNESS JALLOW: Uh-huh.

4 MR. JONES: And that --

5 WITNESS JALLOW: Actually, it wasn't. Ya.

6 MR. JONES: Ya. That's what it looks like,
7 BJL was inflated, as far as the money that came
8 in; but maybe, the money that actually came in
9 that was for BJL was much lower.

10 WITNESS JALLOW: Exactly.

11 MR. JONES: Counsel.

12 MR. CARMICHAEL: Does ABJ have its own bank
13 account?

14 WITNESS JALLOW: ABJ, like -- no. No.

15 MR. CARMICHAEL: So, ABJ Logistics has no
16 bank account, as we sit here today?

17 WITNESS JALLOW: It doesn't have a -- it
18 doesn't have a bank -- let me see. It doesn't
19 have a bank account right now, but it used to
20 have a bank -- but it doesn't have a bank
21 account.

22 MR. CARMICHAEL: When did ABJ Logistics have
23 a bank account?

24 WITNESS JALLOW: I have to go back and
25 check.

1 MR. CARMICHAEL: Well, just give me your
2 best idea.

3 Did it have a bank account, ABJ that is,
4 in 2021?

5 WITNESS JALLOW: Yes. I think it does. I
6 have to go and check.

7 MR. CARMICHAEL: Okay.

8 Did it have -- did ABJ Logistics have a
9 bank account in 2022?

10 WITNESS JALLOW: It should, but I have to go
11 and check.

12 MR. CARMICHAEL: Well, why didn't you just
13 deposit ABJ's money into ABJ's bank account?

14 WITNESS JALLOW: Why didn't we put the
15 money -- at one point, there was an account for
16 ABJ. So we put in the money from ABJ to BJL.

17 MR. CARMICHAEL: Where are we?

18 THE COURT REPORTER: Six.

19 (Whereupon, Movant's Exhibit Number Six was
20 marked for identification.)

21 BY MR. CARMICHAEL:

22 Q Here's Movant's Exhibit Six.

23 MR. CARMICHAEL: Here's a copy for you,
24 Milton.

25 MR. JONES: All right.

1 Tax returns.

2 (Whereupon, Movant's Exhibit Number Seven
3 was marked for identification.)

4 MR. CARMICHAEL: That'll be Number Seven.

5 MR. JONES: That's the -- I think that's the
6 amended tax return or was it amended? Okay.

7 THE WITNESS: This is the amended one?

8 MR. JONES: I think we did this after. I'm
9 not sure it was amended, but it was new, for '21.

10 MR. CARMICHAEL: Here's Number Eight (sic),
11 copy for you.

12 MR. JONES: Uh-huh.

13 THE COURT REPORTER: That was Seven.

14 MR. CARMICHAEL: I'm sorry. Seven. My
15 fault. Seven.

16 And then -- we'll get to that in a
17 moment.

18 BY MR. CARMICHAEL:

19 Q So I've marked the 2021 return, tax return
20 as M6; do you have it there as Movant's Exhibit Six;
21 do you have it there, Ms. Nyang?

22 A Yes. Yes.

23 Q Is this a true and accurate copy of BJL
24 Express's tax return for 2021?

25 A I believe so.

1 Q And who prepared that for you?

2 A The -- Princewill.

3 Q And would you spell his name please, his
4 full name?

5 A P-r-i-n-c-e-w-i-l-l.

6 Q That's his last name?

7 A That's his first name.

8 Q And what is his full name?

9 A Princewill Odidi.

10 Q How do you spell the last name?

11 A O-d-i-d-i.

12 Q And where is he located?

13 A We have an address. I'm not certain, like,
14 I don't recall the location.

15 Q I'm sorry?

16 A There's an address for it.

17 Q Where?

18 A Let me check.

19 Could you pull out the address for me? I
20 turned off my phone.

21 WITNESS JALLOW: In Dunwoody. Let me see.

22 MR. CARMICHAEL: If I could get a phone
23 number and an address, I'd appreciate it,
24 Mr. Jallow.

25 WITNESS JALLOW: I think it's 300 Concourse

1 Drive (sic), Dunwoody -- I mean, Dunwoody,
2 Georgia. Dunwoody, ya, the Concourse building,
3 300 Concourse building.

4 MR. CARMICHAEL: Do you have a phone number?

5 WITNESS JALLOW: Yes, I do. (678) 471-9826.

6 BY MR. CARMICHAEL:

7 Q Okay.

8 Movant's Exhibit Six, Ms. Nyang, is the 2021
9 tax return for BJL Express, LLC; is that right?

10 A Yes, I believe so.

11 Q I see that it is not signed. Was it signed?

12 A It's supposed to be signed.

13 Q Was it filed with the Internal Revenue
14 Service?

15 A I believe so.

16 Q Who signed it?

17 A I'm supposed to. I signed it.

18 Q You signed it?

19 A Ya.

20 Q When did you sign it?

21 A I don't remember.

22 Q Was it this year?

23 A After -- yes.

24 Q Was it after the bankruptcy was filed?

25 A Yes.

1 Q How long after the bankruptcy?

2 A I don't exactly remember.

3 Q Do you remember talking about it during the
4 trustee meetings?

5 A Yes.

6 Q That we had on conference call?

7 A Uh-huh.

8 Q Yes?

9 A Yes.

10 Q Okay.

11 And you said you were preparing these. And
12 then, on another occasion, you said that you thought
13 you had prepared the 2021 and had indeed filed it; is
14 that right?

15 A Yes.

16 Q And is this what you believe you filed?

17 A Yes.

18 Q This Movant's Exhibit Six?

19 A Yes.

20 Q Well, it continues the same revenue number
21 that's reflected on Movant's Exhibit One, \$1,385,400.

22 So here, on Movant's Exhibit Six, we have a
23 tax return where BJL Express is reporting the same
24 income that includes this ABJ income, that Mr. Jallow
25 was just talking about, yet BJL Express, LLC is

1 filing a tax return with the IRS saying it's their
2 income; can you explain that to me?

3 A That's because of the -- the accountant was
4 given the bank statement. I mean, the bank statement
5 to file for.

6 Q What accountant?

7 A The -- with Princewill, they wanted him to
8 do the taxes.

9 Q You're saying Princewill Odidi did the 2021
10 tax return that's Movant's Exhibit Six?

11 A Yes.

12 Q I thought you had Mr. Taylor during the
13 bankruptcy?

14 A This was filed before Taylor came, during
15 the bankruptcy.

16 Q So Mr. Odidi -- Princewill Odidi prepared a
17 tax return during the bankruptcy and filed it after
18 you signed it during the bankruptcy time period --

19 A Yes.

20 Q -- is that right?

21 A When the bankruptcy requested for the taxes,
22 that's when he filed it.

23 Q So, you remember that meeting we had where
24 there was an IRS person on the phone?

25 A Yes.

1 Q It was after that meeting that this was
2 filed?

3 A Yes.

4 Q And Mr. Odidi prepared it and took care of
5 that for you?

6 A Yes.

7 Q Well, why are you -- if some of this money
8 was ABJ's money, reporting it as BJL's money to the
9 IRS?

10 A He uses the statement. That's what he
11 used -- what's on the statement.

12 Q I hear you, Ms. Nyang; but again, this is
13 your tax return, this is BJL Express's tax return.
14 You signed it.

15 Why are you saying BJL Express had revenues
16 of \$1,385,400 if, as Mr. Jallow said is true, it
17 wasn't -- it wasn't 1,385,000; why are you
18 perpetuating that?

19 A So that's -- that's what we need to go back
20 and look at. Because, like, he's saying that there's
21 some numbers that are here, we just came to realize
22 it's not for BJL clients. So, that means that we
23 have to go fix the taxes again.

24 Q Okay.

25 If you would, look at Movant's

1 Exhibit Seven, is that a true copy of the 2022
2 Amended U.S. Corporation Income Tax Return for BJL
3 Express, LLC for 2022?

4 A Yes.

5 Q And you'll see, these numbers match the
6 \$1,465,874 set forth in revenues or gross receipts or
7 sales on line 1A of the tax return matches almost
8 exactly the 1,465,000 that is on Movant's
9 Exhibit Two; is that right?

10 A Yes.

11 Q Again, did Mr. Princewill Odidi prepare this
12 tax return?

13 A Yes.

14 Q And he prepared it during this bankruptcy;
15 is that right?

16 A Yes.

17 Q And you filed it with the IRS?

18 A I believe we did.

19 Q Do you know when?

20 A I'm not certain when.

21 Q Did you sign it?

22 A Yes.

23 Q Do you have -- with respect to Movant's
24 Exhibit Six or Seven, any proof that you have filed
25 these returns with the IRS? Do you have a receipt or

1 a stamp filed or something that shows us that it was
2 actually filed, that these returns were actually
3 filed with the IRS?

4 A I don't have anything at the moment with me.
5 I don't have anything, no.

6 Q Do you have something? Do you remember that
7 you did receive some confirmation of the filing?

8 A Confirmation?

9 Q Yes.
10 From your accountant or from the IRS that it
11 was filed?

12 A Yes. From the accountant.

13 Q What was it; a letter from him or what, an
14 email?

15 A Phone call.

16 Q From Mr. Princewill Odidi?

17 A Yes.

18 Q So he filed both of these, the 2021 and the
19 2022, you're confident?

20 A I'm certain he filed it, because he did call
21 and verify on it.

22 (Whereupon, Movant's Exhibit Number Eight
23 was marked for identification.)

24 MR. CARMICHAEL: This will be Number Eight.

25 MR. JONES: 2020.

1 BY MR. CARMICHAEL:

2 Q And Ms. Nyang, Movant's Exhibit Eight,
3 that's the tax return for two -- for B JL for 2020; is
4 that right?

5 A Yes. Uh-huh.

6 Q And this one is signed?

7 A This is signed. Yes.

8 Q It was signed August 7 of this year; is that
9 right?

10 A Yes.

11 Q Is that when it was filed?

12 A Yes.

13 Q Is that when the other two were filed, about
14 that same time?

15 A I think this one was filed before.

16 Q Which one are you holding there when you say
17 this one, Number Eight?

18 A Number Eight, yes.

19 Q Eight was filed before Six and Seven; is
20 that what you said?

21 A They filed -- he filed everything the same
22 time. So I'm not -- I don't know if he put it in
23 first, second, third.

24 Q Okay.

25 A Or at the same time, everything one time,

1 but we filed everything by -- by the request from the
2 IRS that we needed to file these.

3 Q So it's safe for us to assume that you filed
4 all three of these returns in August of this year,
5 correct?

6 A Yes. Yes.

7 (Whereupon, Movant's Exhibit Number Nine was
8 marked for identification.)

9 MR. CARMICHAEL: Here's Movant's Number
10 Nine, copy for you.

11 MR. JONES: Okay.

12 BY MR. CARMICHAEL:

13 Q Ms. Nyang, Movant's Exhibit Number Nine is a
14 copy of the June 2023 Monthly Operating Report for
15 BJJ Express; is that right?

16 A Yes.

17 Q And if you'll turn to the Page 7 of 27, I'll
18 have a few questions; are you there?

19 A Yes.

20 Q Do you see the entries in June 2023 marked,
21 quote, Owner Investment, end quote?

22 A Yes.

23 Q What does that mean?

24 A I'll let Mr. Jallow respond to that, if
25 that's okay with you.

1 Q Well, I -- do you know the answer?

2 A I don't.

3 Q Do you know where this -- did this -- I will
4 ask Mr. Jallow in a moment, but I want to ask you
5 about this first, before I let him chime in -- chime
6 in.

7 A Uh-huh.

8 Q This says Owner Investment, was this money
9 that came from a bank account?

10 A I don't know.

11 Q Let's take -- look at this \$11,724 on
12 June 30, 2023, it says Owner Investment -- well,
13 first of all, that's you, that's -- you're the owner?

14 A Uh-huh.

15 Q Is that right?

16 A Yes.

17 Q Okay.

18 Do you know where you obtained this \$11,724?

19 A I -- like I said, I don't know.

20 Q You don't know; but it's your investment?

21 A I don't know.

22 Q Well, who marked -- who marked this Owner
23 Investment, who prepared this sheet, this exhibit C,
24 Total Cash Receipts, who prepared this?

25 A This was in June. I don't know. I thought

1 we -- like that -- this would be from the accountant.

2 Q What accountant, what's his name?

3 A Mr. Taylor.

4 Q Did this money on this Page 7 of 27 marked
5 Owner Investment come from a bank account in your
6 personal name?

7 A I don't know.

8 Q Do you know if it came from a bank account
9 in the name of ABJ Logistics?

10 A I don't know.

11 Q Do you have any idea where the Owner
12 Investment money came from that's listed on Page 7 of
13 27?

14 A I'm not sure. I don't know. I don't know.

15 Q Ms. Nyang, do you have a personal bank
16 account?

17 A Yes, I do.

18 Q Do you have more than one?

19 A No. I only have one.

20 Q Where is your personal bank account, what
21 bank?

22 A Wells Fargo.

23 Q Wells Fargo?

24 A Yes.

25 Q Do you have any other bank accounts on --

1 oh, before I ask that, I take it you have signatory
2 authority on the DIP account that the debtor has,
3 yes?

4 A Yes.

5 Q Do you -- and you have signatory authority,
6 of course, on your own personal account at Wells
7 Fargo?

8 A Yes.

9 Q Do you have signatory authority on any other
10 bank accounts?

11 A No.

12 Q Do you have signatory authority on ABJ
13 Logistics' bank account?

14 A No.

15 Q Did -- how did this Page 7 of 27 come to be
16 prepared?

17 A Page what?

18 Q How did this come to be prepared, listing
19 these owner investments, who told the accountant to
20 do this?

21 A I believe these are cash apps.

22 Q What is cash apps and what do you mean by
23 cash apps? First of all, what is cash apps and what
24 do you mean by that?

25 A They're -- it's -- I don't know how to

1 explain it. It's a Cash App. It's an app.

2 Q You mean like Zelle?

3 A Zelle, ya.

4 Q Okay.

5 So you're saying you Zelled money to BJL?

6 A I would say so. Ya.

7 Q So all this Owner Investment here, it came
8 from your personal account and you -- you sent it via
9 a Cash App like Zelle, Z-e-l-l-e, to the debtor's DIP
10 account; is that what you're saying?

11 A I don't understand.

12 Q What's the answer? I couldn't hear you.

13 A The Cash App, most of the time, is probably
14 like what we pay in clients or customer -- I mean,
15 clients that are not, like, close by or buying fuel,
16 like, sending it to a driver. So, that's what we
17 will send the cash app, usually what the cash app is
18 for.

19 Q For paying a driver?

20 A For paying a driver or sending a driver
21 money to buy fuel or -- ya. That's probably what --
22 or paying for maintenance, that's what we use it for.

23 Q Well, that makes sense that you would use a
24 cash app for that; but are you saying, now that you
25 thought about it, you think these are not cash apps

1 payments, these owner investments, that are listed on
2 Page 7 of 27?

3 A The Cash App is -- it's in my -- well, used
4 to be my personal account. So when I send money, it
5 would come from my personal account. So, if I
6 probably have to send money, my account should have
7 money in it. So sometimes, I would transfer from the
8 business to my personal, so I can send to an employee
9 or whoever I'm sending it to.

10 Q But here, we have money going in the
11 opposite direction, we have money coming from
12 somewhere into BJI Express, correct?

13 A Yes.

14 Q Is that you paying that money into BJI
15 Express from your personal account?

16 A It's me probably, like, from the clients
17 that are paying, the -- the shipping clients that
18 pay, they pay -- sometimes they pay into my account.

19 Q Into your personal account?

20 A The shipping, not the trucking clients, the
21 shipping clients, they would just send the money --
22 instead of sending it to him, they would send it to
23 my account.

24 MR. JONES: Excuse me, just one second. I'm
25 sorry to interrupt. I hear shipping and I hear

1 trucking.

2 THE WITNESS: Right.

3 MR. JONES: If you say shipping, are you
4 saying this is money that came from ABJ?

5 THE WITNESS: ABJ.

6 MR. JONES: Which is shipping.

7 THE WITNESS: Right.

8 So, if they accidentally send money to
9 my account, I will send it back to BJ -- I mean,
10 to the -- BJL, the --

11 BY MR. CARMICHAEL:

12 Q Well, Ms. Nyang, how could it be accidental?

13 A Because the clients that are sending it
14 knows that's he's my husband, so they're paying him.
15 So if they're sending him money, sometimes they can
16 send it to me instead of him.

17 Q But how do they have your personal account?

18 A It's not -- Cash App is not a personal
19 account, like, basis. They have a phone number.

20 Q Ms. Nyang --

21 A Yes.

22 Q -- the money came from an account somewhere,
23 didn't it?

24 A Right.

25 Q This money, this \$11,724 went into BJL on

1 June 30; is that right?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 Q Where did it come from?

6 A I don't know. I'm --

7 Q Do you think it might have come from your
8 personal account?

9 A I'm not sure. Honestly. I don't know.

10 Q Do you think it might have come from ABJ
11 Logistics bank account?

12 A I don't know.

13 MR. CARMICHAEL: Okay.

14 Mr. Jallow, what can you -- what light
15 can you bring to this situation?

16 WITNESS JALLOW: The Cash App is linked to
17 her personal account. It's like it has phone
18 number. So we use the app to pay -- to pay and
19 receive income from the app.

20 MR. CARMICHAEL: So customers have Nenneh
21 Nyang's personal bank account information to pay
22 money into her personal bank account?

23 WITNESS JALLOW: They have phone number.
24 It's a phone number. It just -- Cash App app,
25 you can transfer anybody cash, just with their

1 phone number. And that phone number is probably
2 connected to her personal account.

3 MR. CARMICHAEL: That's not what this says,
4 Mr. Jallow. This says Owner Investment.
5 Where -- let me ask a question, please, sir.

6 Where did this \$11,724 come from, what
7 bank account did it come from?

8 WITNESS JALLOW: It comes from her personal
9 to the business account.

10 MR. CARMICHAEL: How did the money get into
11 her personal bank account to begin with?

12 WITNESS JALLOW: It came from Cash App.
13 Cash received from different --

14 MR. CARMICHAEL: Cash apps from whom?

15 WITNESS JALLOW: From different people.

16 MR. CARMICHAEL: Who?

17 WITNESS JALLOW: People who shipping stuff.
18 Who's shipping. If business has a shipping,
19 people who -- who -- it's a convenient way of
20 paying cash.

21 MR. CARMICHAEL: Okay.

22 So A -- are you saying ABJ's customers
23 paid this 11 --

24 WITNESS JALLOW: ABJ or BJL clients.

25 MR. CARMICHAEL: Okay. Let me -- may I ask

1 my question --

2 WITNESS JALLOW: Go ahead.

3 MR. CARMICHAEL: -- before you answer? Okay.

4 Did this 11,024 -- \$11,724 come from
5 ABJ's customers into Ms. Nyang's personal account
6 or from BJL's customers into Ms. Nyang's personal
7 account?

8 WITNESS JALLOW: That was from BJL
9 customers.

10 MR. CARMICHAEL: The \$11,724?

11 WITNESS JALLOW: Correct.

12 MR. CARMICHAEL: Came into her personal bank
13 account?

14 WITNESS JALLOW: Correct.

15 MR. CARMICHAEL: Well, then, we need to see
16 her personal bank account from --

17 BY MR. CARMICHAEL:

18 Q Do we have it here?

19 A No.

20 MR. CARMICHAEL: Okay.

21 We need to see her personal bank account
22 for at least -- to compare it, fairly --
23 January 1, 2022 forward.

24 So please, do you need a formal request
25 or is this sufficient?

1 MR. JONES: I think that's sufficient.

2 Counsel, if I may, you and I are the
3 only people old enough to remember President
4 Nixon, but there was a saying that we used to
5 always have that the cover-up's worse than the
6 crime, is that -- it looks like, in getting to
7 the bottom of all this, that we have just a whole
8 bunch of commingling. And, you know, I mean, I'm
9 just -- I know -- and I know, duh; but still, it
10 sounds like, you know -- and it took us all this
11 time to get to the point where we just -- you
12 know, it looks like -- and it was compounded,
13 because you made tax returns, you've made amended
14 tax returns.

15 What should have been done was that you
16 just said this belongs to ABL (sic) and this
17 belongs to BLJ (sic). It's just kind of like a
18 well, duh. And when the only investment --
19 because I'm hearing you say things like -- when I
20 say you, I'm talking about Ms. Nenneh (sic) --
21 say things like shipping. When I hear shipping
22 from our conversation so far, is that it sounds
23 like shipping means that it was -- belong to ABJ,
24 but if it was trucking, it belonged to BJL. I
25 mean, it sounds -- that's what I'm hearing.

1 And so, what you have -- because I mean,
2 it makes you-all look bad (indicating to
3 Ms. Nyang and Mr. Jallow). Okay. I'm just going
4 to say it. It makes you look bad. And you're
5 not bad people, but it makes you look bad. It
6 makes it look like you're trying to cover
7 something up. When it should be, you know, that
8 owner investment, you know, the things that come
9 in on the month lease, it's just like it should
10 be just relatively simple.

11 And I -- what I'm trying to get to, I
12 guess, folks, if I ask you-all this, we're just
13 sitting in here talking, okay, is there any
14 reason why you-all did it this way, to make it so
15 compli -- confusing?

16 WITNESS JALLOW: Once because of -- the
17 convenience of getting Cash App or Zelle makes it
18 easy for the clients to send Zelle.

19 MR. JONES: So it was done for a matter of
20 convenience, but it -- it made everything look
21 really, really murky. Go ahead.

22 THE WITNESS: I would say because the
23 business is a small business, first of all. And
24 me creating a business being in my name doesn't
25 expose me to all -- all the work, like, being an